

**Notice of Allowability**

Application No.

10/685,256

Examiner

Hung C. Le

Applicant(s)

KRUGER ET AL.

Art Unit

3725

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/14/2003.
2. ☒ The allowed claim(s) is/are 1 - 17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**DERRIS H. BANKS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Reasons For allowance***

The following is an examiner's statement of reasons for allowance:

Prior art failed to disclose or imply:

"A die cushion apparatus for use in a stretch-forming process, involving heated tooling, said die cushion apparatus comprising:

a lower plate;

an upper plate that undergoes different thermal expansion than said lower plate;

and

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a plurality of guidance devices mounted between said upper and lower plates;  
said plurality of guidance and including:  
a guide post;  
a bearing sleeve circumscribing at least a portion of said guide post; and  
a cylinder circumscribing at least a portion of said bearing sleeve;  
wherein one of said guide post and said cylinder is mounted in fixed relation to one of said upper and lower plates, and the other of said guide post and said cylinder is mounted in laterally translatable relation to the other of said upper and lower plates to accommodate lateral relative displacement between said upper and lower plates due to different thermal expansion thereof, thereby preventing binding of said plurality of guidance devices”.

The closest piece of art (Smedberg et al., 4,732,033) discloses:

“A pneumatic die cushion for use in a power press in the subject matter of this invention. The die cushion includes a pair of spaced substantially parallel plates with resilient bellows for resiliently spacing apart the plates. A plurality of limiter pins are releasably secured to one of said plates. Each of said limiter pins has an end threadedly mounted to one of said plates. Each of said limiter pins is movable relative to the other of said plates. A stop mechanism is mounted on the other end of each limiter pin for limiting movement of the first mentioned plate away from the other plate. A limit sleeve is mounted on each of the limiter pins to

control the minimum spacing between the plates. A quick change adaptor plate is fixed to one end of the bellows. The quick change adaptor plate has a pair of opposed ears. A mechanism is provided to releasably secure the ears of the quick change adaptor plate to said one of said plates to secure said one end of the bellows to said one of said plates. A second quick change adaptor plate is fixed to the other end of the bellows. The second quick change adaptor plate also has a pair of second opposed ears. A second mechanism releasably secures the second ears of the second quick change adaptor plate to the other of the spaced plates to secure the other end of the bellows to the other of the spaced plates".

(See Figs. 1 – 9)

However, prior art of record fails to disclose the claimed subject matter as set forth above.

Therefore, The die cushion apparatus for hot stretch-forming per claims 1 – 17 herein are being allowed.

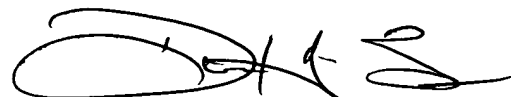
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung C. Le whose telephone number is 571-272-8757. The examiner can normally be reached on M-F: 08:00am - 05:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair.direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HCL  
08/29/05



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